

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JEWEL UPSHAW, Individually and as Personal)	
Representative for the Estate of Zena Ray)	
Upshaw, deceased,)	
Plaintiff,)	
)	No. 1:19-cv-341
-v-)	
)	Honorable Paul L. Maloney
SSJ GROUP, <i>et al.</i> ,)	
Defendants.)	
)	

ORDER REGARDING PROPOSED FINAL SETTLEMENT

Plaintiff Upshaw filed a motion seeking approval of two settlements in this wrongful death lawsuit and also to approve the distribution of funds. (ECF No. 292.) The Court held a hearing on Monday, October 3, 2022. The Court tentatively approved the settlement but directed Plaintiff to recalculate the requested attorney fees. The Court also directed Plaintiff to refile a motion to seal exhibits that had been filed under seal. (ECF No. 293.) The motion to seal should not be filed under seal.

Michigan Court Rule 8.121 addresses litigation costs and allowable attorney fees in wrongful death cases. Under Rule 8.121(C)(1), litigation costs are deducted from the settlement before attorney fees are awarded. In addition, the maximum attorney fee in a wrongful death case is one-third of the net settlement amount. Mich. Ct. R. 8.121(B) and (C)(1). For at least one of the proposed settlements, the requested attorney fees exceeds one-third of the net settlement even if costs are deducted first.

Before the Court approves the proposed settlements, Plaintiff **MUST RESUBMIT** a proposed distribution of the settlement amount consistent with this guidance. **IT IS SO ORDERED.**

Date: October 3, 2022

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge